

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT E. HUNT, JR.,	)	4:98CV3254
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
ROBERT HOUSTON, Director,	)	
State of Nebraska Department of	)	
Correctional Services,	)	
	)	
Respondent.	)	

This matter is before the court on respondent's motions to quash subpoenas and to quash a writ of habeas corpus ad testificandum, Filing Nos. 130 and 131. The court has considered the motions and finds they should be denied. The record shows that the subpoena issued to Judge Richard Garden was returned unexecuted. Accordingly, the court will permit Judge Garden's testimony to be obtained and presented via deposition, telephonic or otherwise.

IT IS ORDERED:

1. The respondent's motions to quash (Filing Nos. 130 and 131) are denied;
2. The parties will be permitted to present Judge Garden's testimony by deposition.

DATED this 15th day of February, 2005.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge